

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DONALD DALE PENCE,

ORDER

Petitioner,

09-cv-489-slc<sup>1</sup>

v.

CAROL HOLINKA, Warden,

Respondent.  
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Petitioner's second motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) (and third motion for reconsideration), dkt. # 14, is DENIED. Plaintiff's discovery of Strong v. Schultz, 599 F. Supp. 2d 556 (D.N.J. 2009), is not grounds for relief under Rule 60(b).

Entered this 17<sup>th</sup> day of December, 2009.

BY THE COURT:

/s/

\_\_\_\_\_  
BARBARA B. CRABB  
District Judge

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<sup>1</sup> Because this case was resolved before the parties consented to the magistrate judge's jurisdiction, I am assuming jurisdiction over the case for the purpose of this order.